

## HOUSE BILL No. 1290

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-28-5-8; IC 35-46-9.

**Synopsis:** Inappropriate relationships with students. Provides that a teacher or coach in a primary or secondary school who knowingly or intentionally has sexual contact with an individual who is less than 19 years of age and who is a student in the primary or secondary school commits having an inappropriate relationship with a student, a Class A misdemeanor. Requires the department of education to revoke a teacher's teaching license if the teacher is convicted of having an inappropriate relationship with a student.

**Effective:** July 1, 2010.

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**Friend, Yarde, Robertson, Barnes**

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January 12, 2010, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

## HOUSE BILL No. 1290

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-28-5-8, AS AMENDED BY P.L.121-2009,  
2       SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2010]: Sec. 8. (a) This section applies when a prosecuting  
4       attorney knows that a licensed employee of a public school or a  
5       nonpublic school has been convicted of an offense listed in subsection  
6       (c). The prosecuting attorney shall immediately give written notice of  
7       the conviction to the following:

8               (1) The state superintendent.

9               (2) Except as provided in subdivision (3), the superintendent of  
10              the school corporation that employs the licensed employee or the  
11              equivalent authority if a nonpublic school employs the licensed  
12              employee.

13             (3) The presiding officer of the governing body of the school  
14              corporation that employs the licensed employee, if the convicted  
15              licensed employee is the superintendent of the school corporation.

16       (b) The superintendent of a school corporation, presiding officer of  
17       the governing body, or equivalent authority for a nonpublic school shall



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1 immediately notify the state superintendent when the individual knows  
 2 that a current or former licensed employee of the public school or  
 3 nonpublic school has been convicted of an offense listed in subsection  
 4 (c), or when the governing body or equivalent authority for a nonpublic  
 5 school takes any final action in relation to an employee who engaged  
 6 in any offense listed in subsection (c).

7 (c) The department, after holding a hearing on the matter, shall  
 8 permanently revoke the license of a person who is known by the  
 9 department to have been convicted of any of the following felonies:

10 (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen  
 11 (18) years of age.

12 (2) Criminal confinement (IC 35-42-3-3), if the victim is less than  
 13 eighteen (18) years of age.

14 (3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)  
 15 years of age.

16 (4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less  
 17 than eighteen (18) years of age.

18 (5) Child molesting (IC 35-42-4-3).

19 (6) Child exploitation (IC 35-42-4-4(b)).

20 (7) Vicarious sexual gratification (IC 35-42-4-5).

21 (8) Child solicitation (IC 35-42-4-6).

22 (9) Child seduction (IC 35-42-4-7).

23 (10) Sexual misconduct with a minor (IC 35-42-4-9).

24 (11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)  
 25 years of age.

26 (12) Dealing in or manufacturing cocaine or a narcotic drug  
 27 (IC 35-48-4-1).

28 (13) Dealing in methamphetamine (IC 35-48-4-1.1).

29 (14) Dealing in a schedule I, II, or III controlled substance  
 30 (IC 35-48-4-2).

31 (15) Dealing in a schedule IV controlled substance  
 32 (IC 35-48-4-3).

33 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).

34 (17) Dealing in a counterfeit substance (IC 35-48-4-5).

35 (18) Dealing in marijuana, hash oil, or hashish  
 36 (IC 35-48-4-10(b)).

37 (19) Possession of child pornography (IC 35-42-4-4(c)).

38 **(d) The department, after holding a hearing on the matter, shall**  
 39 **permanently revoke the license of a person who is known by the**  
 40 **department to have been convicted of having an inappropriate**  
 41 **relationship with a student (IC 35-46-9-2).**

42 ~~(d)~~ (e) A license may be suspended by the state superintendent as

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specified in IC 20-28-7-7.

~~(e)~~ (f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

SECTION 2. IC 35-46-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

**Chapter 9. Offenses Related to Teacher and Student Relationships**

**Sec. 1. The following definitions apply throughout this chapter:**

(1) "Coach" means an individual who trains an athlete or a team of athletes in a primary or secondary school athletic program.

(2) "Teacher" means an individual:

(A) whose contract with a school corporation requires that the person hold a license or permit from the division of professional standards of the department of education under IC 20-28; or

(B) who is employed as a teacher by a charter school established under IC 20-24.

**Sec. 2. (a) As used in this section, "sexual contact" means:**

(1) sexual intercourse (as defined in IC 35-41-1-26);

(2) deviate sexual conduct (as defined in IC 35-41-1-9); or

(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the individual performing the fondling or touching or the individual being fondled or touched.

**(b) A person who:**

(1) is a teacher or coach in a primary or secondary school; and

(2) knowingly or intentionally has sexual contact with a person who is:

(A) a student in the primary or secondary school; and

(B) less than nineteen (19) years of age;

commits having an inappropriate relationship with a student, a Class A misdemeanor.

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